REMARKS

This Response is submitted in response to Office Action mailed April 1, 2004 (Paper No. 14) and, in response to the Examiner's request to supplement, supplements the Response with RCE submitted January 20, 2004.

Claims 1 through 21 are currently pending.

Claims 1-21 have been rejected under 35. U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,982,771 to Caldara et al. in view of U.S. Patent No. 6,424,658 to Mathur and further in view of U.S. Patent No. 5,644,577 to Christensen et al.

In the January 20, 2004 Respect with RCE, claims 1, 8, 15 and 21 were amended in a manner believed to distinguish them from the cited references. Specifically, claims 1, 8, 15 and 21 have each been amended to further require that:

> "*the pair of buffer portions of each buffer afford the ability to avoid overwriting data in the buffers with data from a subsequently received datagram having a different length than that of the incoming datagram before the data of the incoming datagram in the buffer portions is transferred into the switch matrix.*"

Claims 1, 8, 15, and 21 also require that each buffer portion have a storage capacity less than the size of the incoming datagram. In general, buffer portions having a storage capacity less than the size of an incoming datagram (and that can only transfer data when the buffer portions are either filled with data or contains an end of a datagram) risk over-writes to previously buffered data (and thus loss of this data) before the buffered data is written out of the buffer portions. The embodiments set forth in claims 1, 8, 15, and 21, as now amended, prevent such over-writes from occurring when receiving incoming datagrams of varying (*i.e.*, different) lengths.

In contrast, buffers 14 in Caldara are completely different than the buffer portions claimed in the amended claims 1, 8, 15, 21. First of all, there are only complete buffers in Caldara and not buffer portions. In Caldara, the buffers can each only hold a complete data cell 26 (i.e., datagram) and do not hold a portion of a datagram as can be accomplished in the buffer portions of the

amended claims 1, 8, 15, 21. Second, the buffers in Caldara avoid the over-write problem by providing at least three buffers in each ingress rather than the two buffers of the amended claims thereby requiring additional area in the logic. As a result, claims 1, 8, 15, and 21 as amended are completely distinguishable from the disclosure of Caldara. The similar is true with Mathur.

With respect to Christensen, there simply is no motivation to combine Christensen with either Caldara and/or Mathur. Neither Caldara nor Mathur reference Christensen. As a result, the Examiner must provide the motivation that would lead one of ordinary skill in the to combine Christensen with either Caldara or Mathur. Neither Caldara nor Mathur provide any indication that the techniques discussed therein would benefit from maintaining data frame continuity without extensive buffering in a manner set forth in Christensen.

In addition, Christen does not disclose all of the limitations of claims 1, 8, 15, and 21 as currently amended. Furthermore, Christen requires the stretching or compressing of the datagrams in order to insure that they fit into the buffer, in complete contrast to the amended claims 1, 8, 15, and 21 which do not require any modification of the datagram (let alone compression or "stretching" of the datagram as set forth in Christensen). As a result, claims 1, 8, 15 and 21 are completely distinguishable from Christensen alone and in combination with Caldara and/or Mathur.

Accordingly, amended claim 1, 8, 15 and 21 are now believed to be allowable. Claims 2-7, claims 9-14, and claims 16-20 depend from amended claims 1, 8, and 15, respectively, and by virtue of their dependence are now believed to be in condition for allowance.
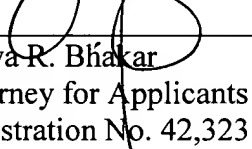
If for any reason an insufficient fee has been paid, the Examiner is hereby authorized to charge the insufficiency to Deposit Account No. **05-0150**.

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3215.

Date: <u>April 23, 2004</u>

Respectfully submitted,

Squire, Sanders & Dempsey L.L.P.
600 Hansen Way
Palo Alto, CA 94304
Telephone (650) 856-6500
Facsimile (650) 843-8777

By:_____
Vidya R. Bhakar
Attorney for Applicants
Registration No. 42,323

PaloAlto/67310.1